|        | Case 2:10-cv-02140-JCM-GWF  | Document 7 | Filed 02/28/12   | Page 1 of 2 |  |
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| 8      | UNITED STATES DISTRICT COURT  |            |                  |             |  |
| 9      | DISTRICT OF NEVADA  |            |                  |             |  |
| 10     |   |            |                  |             |  |
| 11     | KENNY HENDRIX,  | )          |                  |             |  |
| 12     | Petitioner,   | ) 2        | 2:10-cv-02140-JC | M-GWF       |  |
| 13     | vs.   | )          | ORDER            |             |  |
| 14     | UNKNOWN, et al.,  | )          |                  |             |  |
| 15     | Respondents.  | )          |                  |             |  |
| 16     |   | /          |                  |             |  |
| 17     | This action was originally filed in the United States District Court for the Northern District or               |            |                  |             |  |
| 18     | California. On December 6, 2010, an order of transfer was entered, transferring the action to this              |            |                  |             |  |
| 19     | court. (ECF No. 4). The order of transfer notes that this case is a <i>pro se</i> petition for a writ of habeas |            |                  |             |  |
| 20     | corpus filed by an inmate housed in Nevada. ( <i>Id.</i> ).   |            |                  |             |  |
| 21     | On review of the record, plaintiff failed to submit an operative pleading – either a petition or                |            |                  |             |  |
| 22     | complaint. Additionally, petitioner failed to submit either an in forma pauperis application or a               |            |                  |             |  |
| 23     | filing fee. Unless an issue of federal constitutional or statutory law is implicated by the facts               |            |                  |             |  |
| 24     | presented, there is no cognizable claim under federal habeas corpus. Estelle v. McGuire, 502 U.S.               |            |                  |             |  |
| 25     | 62, 68 (1991). As there is no petition or other pleading filed in this action, it will be dismissed,            |            |                  |             |  |
| 26     | without prejudice to filing a petition as a new action.   |            |                  |             |  |
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| 1        | IT IS THEREFORE ORDERED that this action is DISMISSED, without prejudice, for        |  |  |  |  |
| 2        | failure to present a habeas corpus petition or other operative pleading.             |  |  |  |  |
| 3        | IT IS FURTHER ORDERED that petitioner may file a petition, but any such petition mus |  |  |  |  |
| 4        | be opened as a new case. No further documents shall be filed in this case.           |  |  |  |  |
| 5        | IT IS FURTHER ORDERED that the clerk of court shall enter judgment accordingly.      |  |  |  |  |
| 6        | Dated this 28th day of February, 2012.   |  |  |  |  |
| 7        |  |  |  |  |  |
| 8        | UNITED STATES DISTRICT JUDGE   |  |  |  |  |
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